The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

November 2026 **Statewide Jury Verdict Coverage** **27 IJVR 11**

Unbiased and Independently Researched Jury Verdict Results

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Indiana including court, division, presiding judge, parties, cause number, attorneys and results.

Premises Liability - A customer at a convenience store fractured her ankle when she fell after stepping off a curb onto uneven pavement; the store maintained that the condition was open and obvious and that the customer failed to use an available sidewalk

Simmons v. Midway Stop, Inc., 63C01-2411-CT-386
Plaintiff: Brandon W. Smith, John L. Smith, and Amy Linceski, *Morgan & Morgan*, New Albany and Indianapolis
Defense: Michelle L. Burden and Jessica C. Harlow, *Garvey Shearer Nordstrom, PSC*, Ft. Mitchell, KY
Verdict: $500,000 for plaintiff less 30% comparative fault
County: **Pike**, Circuit
Judge: Evan C. Biesterveld, 9-25-26

On 8-10-24, Mikaila Simmons and her husband, Payton Simmons, visited the PC 1 Stop convenience store and gas station on SR 61 in Petersburg. The couple lived nearby, and Simmons had visited the store approximately 30 times previously. Her husband parked near the building's entrance while she went inside to purchase two disposable vapes.

When Simmons left the store at approximately 5:00 p.m., she walked toward her husband's vehicle to hand him the items she had purchased. Rather than follow the sidewalk, she stepped off a yellow-painted curb toward the parking area. She was wearing an open toe Skecher "slip in" brand sandal. According to Simmons, her right foot landed on uneven, depressed pavement, causing her ankle to roll. She fell and fractured her left ankle.

Simmons claimed that the fracture required medical treatment and resulted in continuing pain, physical limitations, and lost earnings. Her



Stills from surveillance video of the plaintiff's fall at Midway Stop

depositions of Dr. Blok and Barbara's primary care physician, Dr. Brian T. Heimer. Both had treated Barbara before her death.

The case was tried for two days in New Albany. The jury returned a verdict for the estate and assessed Barbara's damages at $8,000.

Before trial, Witsman had made a qualified settlement offer of $10,000, which the plaintiff did not accept. Following the verdict, Witsman moved for an award of $5,000 in attorney fees, costs, and expenses, arguing that the jury's award was less favorable to the plaintiff than his settlement offer.

The estate opposed the motion. It maintained that its recoverable litigation costs and expenses, when added to the verdict, brought its recovery to $11,815, exceeding the settlement offer. The estate also challenged the sufficiency of Witsman's documentation supporting his fee request. Witsman, in turn, disputed the estate's claimed costs, including expenses associated with the physicians' videotaped depositions and the administration of Barbara's estate.

At the time the IJVR reviewed the record, the parties' competing post-trial requests concerning attorney fees, costs, and expenses remained unresolved. Nor had any judgment yet been entered.

Judge Granger did enter an order describing the juror's intentions regarding media interviews. All indicated they do not wish to give interviews. [**Ed. Note** - The jurors can rest assure that no one will be interviewing them about this ordinary jury trial.]

Case Documents:

Jury Verdict

Juror Media Interview Preferences

Premises Liability - A visitor to an Indianapolis apartment complex suffered a fractured wrist when she allegedly slipped on black ice outside a building; she claimed the defendants failed to address hazardous winter conditions, while the defense disputed the existence of ice at the location and maintained that the sidewalks had been salted

Dees v. Arlington Terrace, LLC, et al., 49D13-2301-CT-3966

Plaintiff: Anthony Miller and Lindsey Corbitt, *Hensley Legal Group, P.C.*, Fishers

Defense: Nicholas G. Brunette and Brooke M. Behrens, *Reminger Co., LPA*, Indianapolis

Verdict: Defense verdict on liability for Arlington Terrace; judgment on the evidence for Mark III Management

County: **Marion**, Superior

Judge: James A. Joven, 8-6-26

On 1-8-22, Sonya Dees visited the Arlington Terrace apartment complex on East 12th Street in Indianapolis to do the hair of a woman she knew as Keta at the apartment of a friend named Mary Ann. Dees arrived at approximately 4:00 p.m. and entered apartment building 5931 without difficulty. According to Dees, the sidewalks appeared normal when she arrived.

Dees remained inside for approximately two to three hours. During that time, freezing rain began to fall. When Dees left the building that evening, she claimed that she slipped on black ice within a few steps of the entrance. She fell forward, landing on her hands. A maintenance employee was spreading salt on the apartment complex's sidewalks at approximately the same time.

An ambulance was summoned, and Dees was transported to Community Hospital East. She was diagnosed with fractures of the distal radius and ulna of her right wrist, as well as a possible scaphoid fracture. She initially received a splint and pain medication. On 1-25-22, orthopedic surgeon Dr. Philip Sailer performed an open reduction and internal fixation of the distal radius fracture, implanting a plate and screws. Dees claimed continuing pain and impairment resulting from the injury.

The parties stipulated that Dees's billed medical charges totaled $38,810, of which $5,117 had been paid or remained owed under *Stanley v. Walker*. The parties reserved the right to dispute whether particular charges were attributable to the incident.

Dees filed suit against Arlington Terrace, LLC, the owner of the apartment complex, and Mark III Management Corporation, which managed the property. GroundsPro, LLC, was also named as a defendant but was dismissed with prejudice before trial.

Dees maintained that the defendants knew or should have known that freezing rain was creating dangerous conditions on the walkways. She noted that the property manager, Elizabeth Brewer, had stayed home because of the anticipated weather, which Brewer described as an ice storm. Dees also pointed to the absence of written snow-and-ice removal policies, formal employee training, and warnings to residents or visitors.

According to Dees, maintenance supervisor Albert Willis began spreading salt at approximately 5:00 p.m. but had not adequately

If Vilchuck prevailed on any count, he could take compensatory (or nominal) damages. The jury could also impose punitive damages.

The government moved for summary judgment on all counts. It ultimately agreed to withdraw that motion. At this time in June of 2026, the court appointed Vilchuck so-called recruited counsel from *Faegre Drinker*. They would take the case to trial. Vilchuck for his part was convicted of arson related to his prison cell misadventure. The DOC defendants denied everything . . .there was no force in taking off his shirt and thus there was nothing that required intervention.

The case was tried for two days. The jury's verdict was for the government on all counts and Vilchuck took nothing. A defense judgment was entered.

Case Documents:

Case Synopsis
Jury Verdict

Historical Jury Verdicts

Truck Negligence - The plaintiff was rear-ended in a multi-car crash on I-465 north of Indianapolis as a trucker plowed into stopped traffic – the plaintiff was struck by a secondary impact (the initial collision killed one driver instantly) and suffered a spinal fracture

Grabowski v. V&S Transport,
Plaintiff: Louis "Buddy" Yosha, Indianapolis
Defense: Christopher Hegnow, Indianapolis
Verdict: $865,000 for plaintiffs
County: **Marion**
Judge: Steven Eichholtz
Date: January 9, 1998

John Grabwoski, then age 63, was stopped in Indianapolis traffic on the morning of 10-7-94. He traveled on I-465 on the northside of town near the Michigan Road exit. At the same time Charles Oldham was driving a dump truck for V&S Transport. It was loaded and weighed 69,000 pounds.

It is unclear why Oldham didn't appreciate the stopped traffic. He plowed into a first vehicle and his truck destroyed it. That driver was killed instantly. A total of five other cars were struck in the melee including Grabowski's. Grabowski suffered a fractured spine. He was disabled from his vocation as a carpenter and the formerly fun-loving Grabowski was described as becoming grumpy.

Grabowski sued V&S Transport in this lawsuit and sought damages. Fault was no issue. The defense diminished the claimed injury and linked Grabowski's complaints to arthritis and other pre-existing conditions.

The defendant settled claims made by other parties related to this collision. Grabowski's case as a single plaintiff came to trial a little more



The initial impact - the driver of the vehicle pictured was killed instantly

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